

REMARKS/ARGUMENTS

Claims 1-38 are pending in the present application. Claims 1-27 and 29-38 have been amended herewith. Reconsideration of the claims is respectfully requested.

I. Objection to Claims

Claims 2, 6-10, 14, 16, 20-25, 28, 30, 34-38 stand objected to under 37 CFR 1.75 (c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. In response, the claims have been rewritten to overcome this objection. Claims 2, 6-10 and 14 have all been amended to recite at least one step that further limits the claim(s) that they respectively depend upon (e.g. flag is read; flag is conditionally unset; flag is conditionally set). Claims 16 and 20-25 have all been amended to recite further limiting structure (e.g. flag is located in data packet; means for conditionally setting and unsetting the first and second flags). Claim 28 already recites further limiting structure (“the first flag and the second flag are located in a header in the data packet”). Claims 30 and 34-38 have all been amended to recite instructions that further limit the computer program product of Claim 29.

Therefore, the objection to the claims has been overcome.

II. 35 U.S.C. § 112, Second Paragraph

Claims 2, 6-10 and 14 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. This rejection is respectfully traversed.

Applicants urge that the claim amendments made to overcome the claim objection of these claims, as described above, have similarly overcome this 35 U.S.C. § 112, second paragraph rejection of such claims.

Therefore, the rejection of Claims 2, 6-10 and 14 under 35 U.S.C. § 112, second paragraph has been overcome.

III. 35 U.S.C. § 112, Second Paragraph

Claims 16, 20-25 and 28 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. This rejection is respectfully traversed.

Applicants urge that the claim amendments made to overcome the claim objection of these claims, as described above, have similarly overcome this 35 U.S.C. § 112, second paragraph rejection of such claims.

Therefore, the rejection of Claims 16, 20-25 and 28 under 35 U.S.C. § 112, second paragraph has been overcome.

IV. 35 U.S.C. § 112, Second Paragraph

Claims 30 and 34-38 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. This rejection is respectfully traversed.

Applicants urge that the claim amendments made to overcome the claim objection of these claims, as described above, have similarly overcome this 35 U.S.C. § 112, second paragraph rejection of such claims.

Therefore, the rejection of Claims 30 and 34-38 under 35 U.S.C. § 112, second paragraph has been overcome.

V. 35 U.S.C. § 101

Claims 29-38 stand rejected under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. This rejection is respectfully traversed.

Applicants have amended Claim 29 to fully comply with the USPTO's guidelines regarding proper statutory subject matter. For example:

“When functional descriptive material is **recorded on some computer-readable medium** it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)(claim to data structure stored on a computer readable medium that increases computer efficiency held statutory) and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQ2d at 1760 (claim to data structure *per se* held nonstatutory)” (emphasis added by Applicants).

Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility.¹ Claim 29 expressly recites a “computer program product **recorded on a computer readable, recordable-type medium**” (emphasis added by Applicants), and thus fully complies with the USPTO's own guidelines regarding proper statutory subject matter.

Therefore, the rejection of Claims 29-38 under 35 U.S.C. § 101 has been overcome.

¹ http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf

VI. 35 U.S.C. § 103, Obviousness

Claims 1-39 stand rejected under 35 U.S.C. § 103 as being unpatentable over Maezawa, et al. (US Patent No. 6,145,024 A), hereafter referred to as “Maezawa” in view of Kondo, et al. (US Patent No. 6,618,396 B1), hereafter referred to as “Kondo” and Lansing, et al. (US Patent Application Publication No. 2003/0058862 A1), hereafter referred to as “Lansing”. This rejection is respectfully traversed.

The claims have been amended to further define the phraseology of “interpartition virtual network” as it pertains to the logical partitioned data processing system environment. It is urged that none of the cited references teach or otherwise suggest such an interpartition virtual network in a logical partitioned data processing system, or the particular claimed features pertaining to such an interpartition virtual network. For example, none of the cited references describes sending data packets from one logical partition of a logical partitioned data processing system *to another partition within the same logical partitioned data processing system*, as per the interpartition virtual network features provided by amended independent Claims 1, 15, 29 and 39.

It is further urged that the combined teachings of the cited references describe a conditional CRC *check* based on a single ECC flag (Kondo), and a conditional CRC *generation* (but not a check) based on a single CRC flag (Lansing). Thus, the combination does not teach a conditional CRC *check* based on two different flags (a first flag *and* a second flag).

Therefore, the rejection of Claims 1-39 under 35 U.S.C. § 103 has been overcome.

VII. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: May 15, 2008

Respectfully submitted,

/Wayne P. Bailey/

Wayne P. Bailey
Reg. No. 34,289
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorney for Applicants